

ENTERED

June 23, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

MELQUIADES MENDIOLA, JR.,
TDCJ #01833650,

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Plaintiff,

§

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v.

CIVIL ACTION NO. 3:15-CV-180

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Defendants.

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ORDER OF DISMISSAL

Plaintiff Melquiades Mendiola, Jr. (TDCJ #01833650), an inmate in the custody of the Texas Department of Criminal Justice - Correctional Institutions Division (“TDCJ”), has filed a civil rights complaint under 42 U.S.C. § 1983 (Dkt. 1). There appear to be two distinct claims: deliberate indifference to serious medical needs and tampering with mail. Mendiola has only named two state agencies, the University of Texas Medical Branch (“UTMB”) and the TDCJ, as defendants.

Mendiola has made clear that he wishes to pursue claims solely against the agencies—indeed, the only relief he requests is to be allowed to sue them (Dkt. 1 at p. 4). When Mendiola wrote a letter to the Court requesting permission to add two new defendants (Dkt. 9), the Court interpreted the letter as a motion for leave to add those defendants and granted it (Dkt. 18). However, Mendiola then wrote another letter to the Court in which he insisted that he did not intend to file a motion for leave to add any defendants and reiterated

that he was suing “TDCJ and UTMB[,]” who “are public officials” (Dkt. 22).

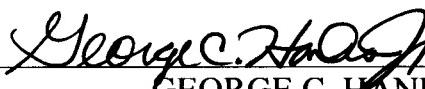
TDCJ and UTMB are immune from suit. *Lewis v. University of Texas Medical Branch at Galveston*, 665 F.3d 625, 630 (5th Cir. 2011); *Aguilar v. Texas Dept. of Criminal Justice*, 160 F.3d 1052, 1054 (5th Cir. 1998). The Court will dismiss the claims against them.

Based on the foregoing, the Court **ORDERS** as follows:

1. Mendiola’s complaint is **DISMISSED WITH PREJUDICE** under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim on which relief may be granted.
2. All pending motions are **DENIED** as moot.

The Clerk is directed to provide a copy of this order to the parties. The Clerk will also provide a copy of this order by regular mail, facsimile transmission, or e-mail to the District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas, 75702, Attention: Manager of the Three-Strikes List.

SIGNED at Galveston, Texas on June 23, 2016.


GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE